

ENTERED

September 01, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**BRICKEY JUAN MANUEL,
(TDCJ-CID #2070664)

Plaintiff,

vs.

MRS. WILSON,

Defendant.

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CIVIL ACTION NO. H-16-2600

MEMORANDUM ON DISMISSAL

Brickey Juan Manuel, a Texas Department of Criminal Justice inmate, sued in August 2016, alleging a denial of access to the courts. Manuel represents himself and seeks leave to proceed without prepaying costs. He has sued a law library officer at the prison, alleging that she prevented him from conducting legal research and that as a result, Civil Action Number 4:15-3426, filed in the Southern District of Texas, was dismissed. Court records show that Civil Action Number 4:15-3426 was dismissed as frivolous on August 9, 2016.

A prisoner may not bring a civil action *in forma pauperis* in federal court if, while incarcerated, three or more of his civil actions or appeals were dismissed as frivolous or malicious or for failure to state a claim upon which relief may be granted, unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Before Manuel filed this action at least three of his prison suits were dismissed as frivolous: *Manuel v. Jones-Manuel*, 4:16-0080 (dismissed as frivolous on January 26, 2016)(S.D. Tex.); *Manuel v. Johnson & Johnson*, 4:15-3537 (dismissed for failure to state a claim on January 4, 2016)(S.D. Tex.); and *Manuel v. J. Hernandez*, 4:15-3099 (dismissed for failure to state a claim on October 26, 2015)(S.D. Tex.). In the present case, Manuel has not

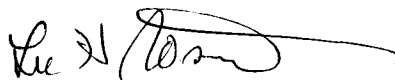
alleged, nor does his complaint demonstrate, that he is in imminent danger of serious physical injury. He is barred under 28 U.S.C. § 1915(g) from proceeding without prepaying costs.

Manuel's motion to proceed without prepaying costs, (Docket Entry No. 2), is denied. The complaint is dismissed under 28 U.S.C. § 1915(g). All pending motions are denied. Manuel is warned that continued frivolous filings may result in added sanctions.

The Clerk will provide a copy of this order by regular mail, facsimile transmission, or e-mail to:

- (1) the TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas, 78711, Fax: 512-936-2159;
- (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793; and
- (3) the District Clerk for the Eastern District of Texas, Attention: Manager of the Three-Strikes List, Lori_stover@txed.uscourts.gov.

SIGNED on August 30, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge